

**In the District Court of the United States  
For the District of South Carolina  
BEAUFORT DIVISION**

DONALD ROTON,

Plaintiff,

vs.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant.

Civil Action No. 9:04-22870-24BG

**ORDER**

The Defendant has moved the Court, with the consent of Plaintiff's counsel, to enter a Judgment with Remand pursuant to Sentence Four of 42 U.S.C. §405(g). Defendant's Motion sets forth that on remand the Administrative Law Judge will assign this case to an Administrative Law Judge to:


1. Provide Plaintiff an opportunity to appear at a supplemental hearing and to submit evidence relevant to the period at issue,
2. Evaluate Plaintiff's mental impairments in order to complete the administrative record pursuant to 20 C.F.R. § 404.1512-13,
3. Further evaluate Plaintiff's mental impairments in accordance with the special technique described in 20 C.F.R. § 404.1520a,
4. Evaluate Plaintiff's subjective complaints and provide rationale pursuant to Social Security Ruling (SSR) 96-7p and 20 C.F.R. § 404.1529.
5. Further consider Plaintiff's maximum residual functional capacity during the entire period at issue and provide rationale with specific references to the evidence of record in support of assessed limitations (SSR 96-8p). In doing so, the ALJ will evaluate the treating and examining source opinions pursuant to the provisions of 20 C.F.R. § 404.1527 and SSR 96-2p and 96-5p, and nonexamining source opinions in accordance with 20 C.F.R. § 404.1527(f) and SSR 96-6p, and explain the weight given to such opinion evidence.
6. The ALJ will compare Plaintiff's maximum residual functional capacity with the specific physical and mental demands of his past relevant work pursuant to SSR 82-61 and 82-62.

7. If warranted the ALJ will obtain supplemental evidence from a vocational expert to determine if Plaintiff can perform other work.

It appears that the motion is well grounded and is therefore granted.

It is therefore ordered that upon Defendant's motion the above captioned matter is **remanded**, and the matter shall be heard by an Administrative Law Judge.

IT IS SO ORDERED.



George C. Kosko  
United States Magistrate Judge

June 13, 2005

Charleston, South Carolina